

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

TESSERA, INC.

Plaintiff,

vs.

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MICRON TECHNOLOGY, INC., a Delaware corporation, MICRON SEMICONDUCTOR PRODUCTS, INC., an Idaho corporation, INFINEON TECHNOLOGIES AG, a German corporation, INFINEON TECHNOLOGIES RICHMOND, LP, a Delaware corporation, and INFINEON TECHNOLOGIES NORTH AMERICA CORP., a Delaware corporation

Defendants.

Civil Action No. 2-05 CV-94
Jury LED

**TESSERA'S COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Tessera, Inc. ("Tessera"), for its complaint against Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., Infineon Technologies AG, Infineon Technologies Richmond, LP, and Infineon Technologies North America Corp., alleges as follows:

INTRODUCTION

Tessera is a global leader in the development of semiconductor packaging technology. Semiconductor packages serve as the electrical interface between semiconductor chips and the systems in which they operate. They also protect delicate chips from damage, contamination, and stress resulting from repeated heating and cooling. Tessera's technology allows companies around the world to meet the growing demand for smaller, faster, and more reliable electronic products, including cutting edge medical devices and critical military defense components. The

United States Patent Office has awarded Tessera more than 300 patents that reflect its innovation and protect the company's investment in the technology it has developed.

Nearly 50 semiconductor manufacturers and packaging companies such as Intel, Texas Instruments, Sony, Toshiba, Hitachi, Matsushita, Sanyo and Samsung have taken licenses to Tessera's patented technology. The rights granted by Tessera under its patents enable companies like Dell, Compaq, Nokia, Ericsson, and Sony to continue to shrink cell phones and PDAs, and to develop the fastest workstations, PCs, servers and other electronic products on the market today. Tessera's technology also enables defense contractors such as General Dynamics, as well as government agencies and the U.S. Army, to advance our nation's homeland defense and military preparedness. Tessera's patented innovations have already been incorporated into more than four billion semiconductors including ASICs, DRAM, DSPs, flash memory and SRAM sold in the United States and throughout the world.

Regrettably, unlike the companies that have behaved responsibly and respected Tessera's United States patents, Micron and Infineon have chosen to disregard Tessera's rights. They have made, and continue to make, extensive and profitable use of Tessera's patented advances without fairly compensating Tessera's shareholders. Tessera has accordingly been forced to bring this action.

PARTIES AND JURISDICTION

1. This is an action for patent infringement arising under United States Patent Act, 35 U.S.C. § 101 *et seq.*

2. Tessera is a Delaware corporation with its principal place of business in San Jose, California.

3. Tessera is informed and believes, and thereon alleges, that Micron Technology, Inc. is a Delaware corporation with its principal place of business in Boise, Idaho and that Micron Semiconductor Products, Inc. is an Idaho corporation with its principal place of business in Boise, Idaho. Micron Technology, Inc. and Micron Semiconductor Products, Inc. are hereafter referred to collectively as "Micron."

4. Tessera is informed and believes, and thereon alleges, that Infineon Technologies AG is a German corporation with its principal place of business in Munich, Germany, that Infineon Technologies Richmond, LP is a Delaware corporation with its principal place of business in Sandston, Virginia, and that Infineon Technologies North America Corp. is a Delaware corporation with its principal place of business in San Jose, California. Infineon Technologies AG, Infineon Technologies Richmond, LP and Infineon Technologies North America Corp are hereafter referred to collectively as "Infineon."

5. Tessera is informed and believes, and thereon alleges, that each of the defendants has done business in this District, has committed and continues to commit acts of patent infringement of in this District, and has harmed and continues to harm Tessera, its licensing program and its licensees in this District

6. This Court therefore has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), and venue in this district is proper under 28 U.S.C. §§ 1391(c) and 1400(b).

THE PATENTS IN SUIT

7. United States Patent No. 5,679,977 ("977 patent"), entitled "Semiconductor Chip Assemblies, Methods Of Making Same And Components For Same" was duly and legally issued on October 21, 1997. Tessera is the owner by assignment of all right, title and interest in and to the '977 patent. A copy of the '977 patent is attached as Exhibit A.

8. United States Patent No. 5,852,326 ("326 patent"), entitled "Face-Up Semiconductor Chip Assembly" was duly and legally issued on December 22, 1998. Tessera is the owner by assignment of all right, title and interest in and to the '326 patent. A copy of the '326 patent is attached as Exhibit B.

9. United States Patent No. 6,133,627 ("627 patent"), entitled "Semiconductor Chip Package With Center Contacts" was duly and legally issued on October 17, 2000. Tessera is the owner by assignment of all right, title and interest in and to the '627 patent. A copy of the '627 patent is attached as Exhibit C.

10. United States Patent No. 6,433,419 ("419 patent"), entitled "Face-Up Semiconductor Chip Assemblies" was duly and legally issued on August 13, 2002. Tessera is

the owner by assignment of all right, title and interest in and to the '419 patent. A copy of the '419 patent is attached as Exhibit D.

11. United States Patent No. 6,465,893 ("893 patent"), entitled "Stacked Chip Assembly" was duly and legally issued on October 15, 2002. Tessera is the owner by assignment of all right, title and interest in and to the '893 patent. A copy of the '893 patent is attached as Exhibit E.

12. The '977 patent, '326 patent, '627 patent, '419 patent and '893 patent are hereafter referred to as the "Tessera Patents."

COUNT I – PATENT INFRINGEMENT BY MICRON

13. Tessera realleges and incorporates by reference paragraphs 1 through 12 as if set forth herein in full.

14. Tessera is informed and believes, and thereon alleges, that in violation of 35 U.S.C. § 271 Micron has been and is currently directly infringing, contributorily infringing and/or inducing infringement of the Tessera Patents by, among other things, making, using, offering to sell, selling and/or importing without authority or license from Tessera infringing packaged semiconductor components and assemblies thereof, including semiconductor chips having ball grid array packages and modules containing semiconductor chips having ball grid array packages.

15. Tessera is informed and believes, and thereon alleges, that Micron's infringement of the Tessera Patents has been and continues to be willful.

16. Unless enjoined, Micron will continue to infringe the Tessera Patents, and Tessera will suffer irreparable injury as a direct and proximate result of Micron's conduct.

17. Tessera has been damaged by Micron's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

COUNT II – PATENT INFRINGEMENT BY INFINEON

18. Tessera realleges and incorporates by reference paragraphs 1 through 12 as if set forth herein in full.

19. Tessera is informed and believes, and thereon alleges, that in violation of 35 U.S.C. § 271 Infineon has been and is currently directly infringing, contributorily infringing and/or inducing infringement of the Tessera Patents by, among other things, making, using, offering to sell, selling and/or importing without authority or license from Tessera infringing packaged semiconductor components and assemblies thereof, including semiconductor chips having ball grid array packages and modules containing semiconductor chips having ball grid array packages.

20. Infineon was put on actual notice of Tessera's patents and its need for a license to those patents at least as early as September 2002 through, among other things, discussions, presentations and licensing negotiations with Tessera.

21. Tessera is informed and believes, and thereon alleges, that Infineon's infringement of the Tessera Patents has been and continues to be willful.

22. Unless enjoined, Infineon will continue to infringe the Tessera Patents, and Tessera will suffer irreparable injury as a direct and proximate result of Infineon's conduct.

23. Tessera has been damaged by Infineon's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

PRAYER FOR RELIEF

WHEREFORE, Tessera prays for relief as follows:

A. For a judicial determination and declaration that the Tessera Patents are valid and enforceable;

B. For a judicial determination and a declaration that Micron and Infineon directly, contributorily and through inducement infringe the Tessera Patents, and that their infringement is willful;

C. For an order preliminarily and permanently enjoining Micron and Infineon, and their directors, officers, employees, attorneys, agents and all persons in active concert or participation with any of the foregoing from further acts of direct infringement, contributory infringement, or inducement of infringement of the patent-in-suit;

D. For damages resulting from infringement of the patent-in-suit by Micron and Infineon in an amount to be determined at trial, and the trebling of such damages due to the willful nature of their infringement;

E. For an award of interest on damages;

F. For a declaration that this case is exceptional pursuant to 35 U.S.C. § 285 and an award of attorneys' fees and costs; and

G. For an award of such other and further relief as this Court deems just and proper

Dated: March 1, 2005

Respectfully submitted,

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DEMAND FOR JURY TRIAL

Tessera hereby demands a trial by jury on all issues triable to a jury.

Dated: March 1, 2005

Respectfully submitted,

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